



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2867



PLEASE NOTE: Effective September 1, 2003, the street address is 29 Hazen Drive.
August 21, 2003

Alltex Uniform Rental Services, Inc.
Attn: Alan Cobb, President
324 Taylor Street
Manchester, NH 03103

Re: Docket No. AF 03-013 - Administrative Fine by Consent Agreement

Dear Mr. Cobb:

Enclosed for your records is a copy of the Administrative Fine by Consent Agreement in this matter executed by Philip J. O'Brien, Ph.D., Waste Management Division Director, and accepted by Commissioner Michael P. Nolin on August 21, 2003. On behalf of the Department of Environmental Services, thank you for your cooperation in resolving this matter.

Sincerely,


Michael P. Nolin
Legal Assistant

cc: Philip J. O'Brien, Ph.D., Director, Waste Management Division
Gretchen Rule, DES Legal Unit
Susan Weiss Alexant, Hearings and Rules Attorney
Mark R. Harbaugh, DES Legal Unit
Linda Birmingham, WMD/HWC



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



Alltex Uniform Rental Services, Inc.
324 Taylor Street
Manchester, NH 03103

**ADMINISTRATIVE FINE
BY CONSENT**

No. AF 03-013

I. INTRODUCTION

This Administrative Fine by Consent is entered into by and between the Department of Environmental Services, Waste Management Division, and Alltex Uniform Rental Services, Inc. pursuant to RSA 147-A:17-a. This Administrative Fine by Consent ("Agreement") is effective upon signature by all parties.

II. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its main office at 6 Hazen Drive, Concord, NH.
2. Alltex Uniform Rental Services, Inc. ("Alltex") is a New Hampshire corporation that registered with the New Hampshire Secretary of State's Office on November 17, 1946. Alltex has a mailing address of P.O. Box 5246, Manchester, NH.

III. BACKGROUND

1. Pursuant to RSA 147-A, DES regulates the management and disposal of hazardous waste. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. Pursuant to RSA 147-A:17-a, the Commissioner is authorized to impose fines of up to \$2,000 per violation for violations of RSA 147-A or rules adopted pursuant thereto. Pursuant to this section, the Commissioner has adopted Env-C 612 to establish the schedule of fines for such violations.
3. Alltex is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities through DES on November 18, 1980. EPA

Identification Number NHD001422351 was assigned to Alltex's site located at 324 Taylor Street, Manchester, NH.

4. On January 23, 2003, DES personnel inspected Alltex for compliance with RSA 147-A and its implementing regulations, the Hazardous Waste Rules. As a result of the violations of the Hazardous Waste Rules observed during this inspection, DES issued Letter of Deficiency No. WMD 03-06 ("LOD") to Alltex on May 13, 2003. Based on the violations observed during the inspection listed above, DES believes that an administrative fine is appropriate in this case for the Class I violation.

IV. ALLEGATIONS, ADMINISTRATIVE FINES

1. Specifically, as stated in the LOD, Alltex failed to obtain or modify the existing permit for the operation of a Wastewater Treatment Unit (WWTU), which is a hazardous waste facility because it generates and accumulates a wastewater treatment sludge that is a hazardous waste, as required by RSA 147-A:4, I/Env-Wm 353.04 ("Violation 1"). Env-C 612.03(a) authorizes a fine of \$2,000 per treatment or storage unit.
2. Specifically, as stated in the LOD, Alltex failed to conduct inspections of the Clean Room Laundering Area elementary neutralization unit, as required by Limited Permit # DES-HW-LP-01-08 ("Violation 2"). Pursuant to Env-C 610, which references RSA 147-A and Env-Wm 353, DES is seeking a fine of \$1,000.
3. Specifically, as stated in the LOD, Alltex failed to conduct an adequate waste determination for the waste filter cake generated by the Wiper Laundering WWTU, as required by Env-Wm 502.01 ("Violation 3"). Env-C 612.05(a) authorizes a fine of \$1,500 per determination.
4. Specifically, as stated in the LOD, Alltex failed to perform annual hazardous waste training for the following employee with hazardous waste management duties, as required by Env-Wm 509.02(a)(2): in 1998, 2000, and 2002 no annual training for one (1) person (Primary Emergency Coordinator) ("Violation 4"). Env-C 612.07(b) authorizes a fine of \$1,000 per individual not trained for annual updates, for a potential fine of \$3,000.
5. Specifically, as stated in the LOD, Alltex failed to maintain an adequate contingency plan on-site, as required by Env-Wm 509.02(a)(5) ("Violation 5"). Env-C 612.07(e) authorizes a fine of \$2,000.
6. Specifically, as stated in the LOD, Alltex failed to provide security measures at the outdoor storage area, as required by Env-Wm 509.02(c) ("Violation 6"). Env-C 612.07(i) authorizes a fine of \$1,750 per area.

It was determined that at the time of the inspection there was a fence at the outdoor storage area. Based on this information Alltex was not in violation of this rule and DES has amended the LOD to remove this violation.

7. Specifically, as stated in the LOD, Alltex failed to conduct a used oil determination for its generated "Used Oil for Recycle", as required by Env-Wm 807.06(b)(7) ("Violation 7"). Env-C 612.10(c) which references Env-Wm 807.06(b)(4), modified in August 2000 to Env-Wm 807.06(b)(7), authorizes a fine of \$750 per determination not made.

8. Specifically, as stated in the LOD, Alltex, failed to inform all employees who handle or have responsibility for managing universal waste of the proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility, as required by Env-Wm 1103.03 ("Violation 8"). Pursuant to Env-C 610, which reference Env-Wm 1103.03, DES is seeking a fine of \$550.

9. Specifically, as stated in the LOD, Alltex failed to store two (2) 8-foot universal waste lamps, located in the Laundering Area, in container(s) as required by Env-Wm 1112.03(a) ("Violation 9"). Pursuant to Env-C 610, which references Env-Wm 1112.03(a), DES is seeking a fine of \$1,000 for storage practices that pose a hazard to human health and the environment.

10. Specifically, as stated in the LOD, Alltex failed to label/mark the two (2) universal waste lamps with any of the following markings: "Universal Waste - Lamps(s)", "Waste Lamp(s)", or "Used Lamp(s)", as required by Env-Wm 1112.04 ("Violation 10"). Pursuant to Env-C 610, which references Env-Wm 1102.04, DES is seeking a fine of \$100 for each container.

V. PAYMENT, WAIVER OF HEARING

1. DES agrees to waive fines associated with Violations 2-10, because they are not Class I violations.

2. Alltex agrees to pay \$1,600 as itemized below, upon execution of this Agreement by Alltex.

a. Violation 1 is a Class I violation. DES has determined that due to the fact that this was a one time unintentional violation that a 20% reduction should be applied. DES is thus seeking a fine of \$1,600.

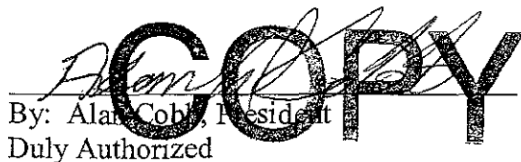
3. Payment under Section V. Paragraph 2 shall be paid by certified check made payable to: "Treasurer, State of New Hampshire" and shall be mailed to:

DES Legal Unit
Attn: Michael Sclafani, Legal Assistant
PO Box 95
Concord, New Hampshire 03302-0095

4. If any payment is made by check or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the check or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.


5. By executing this Agreement, Alltex waives its right to a hearing on or any appeal of the administrative fines identified in Section IV. Paragraphs 1 through 10, and agrees that this Agreement may be entered into and enforced by a court of competent jurisdiction.
6. The effective date of this Agreement will be the date on which it is signed by an authorized representative of Alltex, the Director of the Waste Management Division, and the Commissioner of DES.
7. No failure by DES to enforce any provision of this Agreement after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this Agreement on any further breach or default.

ALLTEX UNIFORM RENTAL SERVICES, INC.


By: Alan Cobb, President
Duly Authorized

8/8/03
Date

DEPARTMENT OF ENVIRONMENTAL SERVICES


Philip J. O'Brien, Ph.D., P.E.
Director
Waste Management Division

8/18/03
Date


Michael P. Noon, Commissioner

08 21 03
Date